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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/520,199
Filing Date: July 9, 2002
Appellant(s): BODLAENDER, MAARTEN PETER

Robert M. McDermott
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 27, 2007 appealing from the

Office action mailed June 27, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The Appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The Appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2002/0169549   Shiomi et al.   December 28, 1999

Hewagamage et al. "Augmented Album: Situation-dependent System for a personal

Digital Video/Image Collection." Information Systems Lab, Faculty of Engineering,

Hiroshima University. IEEE, 2000. pp.323-326.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate Paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this Section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-5, 7, and 9-20,** are rejected under 35 U.S.C. 102(b) as being

anticipated by Hewagamage et al. (*Augmented Album: Situation-dependent System for*

a Personal Digital Video/Image Collection. IEEE, 2000, hereinafter Hewagamage).

Regarding **claim 1**, Hewagamage clearly shows and discloses a method

for classification of a data object in a database (*utilization of context to provide*

easy-to-use and easy-to-remember interface for the management and retrieval of

digital videos / images, [Page 323, Right Column, Lines 2-4]),

obtaining at least one source parameter associated with the data object (*geographical location, or time associated with the picture taken*, [Page 323, Right Column, Line 13]), and

associating a classification parameter (*corresponding event*) [Lines 15-16] with the data object, based on a value of the at least one source parameter satisfying at least one criterion corresponding to the classification parameter (*pictures taken in same location and with insignificant time difference are grouped in same event*, [Page 325, Left Column, Lines 50-58], [Page 325, Right Column, Lines 50-58]. *Note that the criterion here is values of location and time of different pictures are equal*).

wherein the database includes further data objects having at least one further source parameter associated therewith ([Pages 325, Left Column, Line 25 → Page 326, Left Column, Line 2]) and wherein the method includes:

identifying similar further data objects having equal values of the at least one further classification parameter (*Event categories are used to group images/video clips as a way to show the contextual relevancy. When the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category,* [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2]. *For example, pictures in same event*);

identifying similarity of values of the further source parameter of the further similar data objects having equal further classification parameters (*Event categories are used to group images/video clips as a way to show the contextual relevancy. When the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category,* [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2]. *For example, pictures with similar location and / or time in same event*);

associating the further classification parameter with the data object when at least one of the at least one source parameter of the data object is similar to the further source parameter of the further similar data objects

(*If several videos and/or images are taken at the same location having insignificant time difference, then they are considered to belong to the same context and a single icon is used to represent them*, [Page 325, Left Column, Lines 55-58]. *For example, same event category contains only pictures taken at similar location and / or time*).

Regarding **claim 2**, Hewagamage further discloses:

storing the classification parameter (*corresponding event*, [Page 323, Right Column, Lines 13-14]) with the data object (*digital videos / images*, [Page 323, Right Column, Lines 3-4]) when the data object is entered into the database (*the data streams of camera are recorded in its internal memory and SIT transfers them while integrating the relevant situational information when the connection is established*, [Page 324, Right Column, Lines 39-42]).

Regarding **claim 3**, Hewagamage further discloses:

the criterion includes whether the value of the at least one source parameter (*geographical location, or time*, [Page 323, Right Column, Line 13]) is within a predetermined range (*Sensor Agent works as a reactive agent to capture the location, time and possible event information from a personal scheduler*, [Page 324, Right Column, Lines 33-52]. *For example, time when pictures are taken are within range of time from user's personal scheduling application*).

Regarding **claim 4**, Hewagamage further discloses:

the at least one source parameter represents a geographical

location of the creation of the data object ([Page 323, Right Column, Lines

3-4], and the criterion includes determining whether the creation of the

data object has taken place in a predetermined region based on the

geographical location (*Sensor Agent works as a reactive agent to capture*

the location, time and possible event information from a personal

scheduler, [Page 324, Right Column, Lines 33-52]. *For example, location*

when pictures are taken are within region from user's personal scheduling

application).

Regarding **claim 5**, Hewagamage further discloses:

the criterion includes determining whether the value of the source

parameter equals a predetermined value (*Sensor Agent works as a*

reactive agent to capture the location, time and possible event information

from a personal scheduler, [Page 324, Right Column, Lines 33-52]. *For*

example, time when pictures are taken are exact as time from user's

personal scheduling application).

Regarding **claim 7**, Hewagamage further discloses a method wherein the

value of the further classification parameter and the similarity of values as

criterion for associating a new data object with the further classification

parameter with the value are stored in a further database (*Events Component in*

the system is used to shows event categories grouping images/video clips as a

way to shows contextual relevancy of data object taken at same location and/or

time, [Page 325, Left Column, Lines 50-58], [Page 325, Right Column, Lines 50-58]).

Regarding **claim 9**, Hewagamage further discloses wherein the value of the further source parameter is an alphanumerical string (*latitude and longitude information, timing information*, [Page 324, Left Column, Lines 45-46]) and the similarity of values is identified as the further source parameters having equal values (*icons overlapped meaning pictures taken in the same or nearby location*, Page 325, Left Column, Lines 50-58]).

Regarding **claim 10**, Hewagamage further discloses a method wherein the value of the further source parameter is a numerical value (*latitude and longitude information, timing information*, [Page 324, Left Column, Lines 45-46]) and the similarity of values is identified as the further source parameters having values in a predetermined range (*Sensor Agent works as a reactive agent to capture the location, time and possible event information from a personal scheduler*, [Page 324, Right Column, Lines 33-52]. *For example, time when pictures are taken are within range of time from user's personal scheduling application*).

Regarding **claim 11**, Hewagamage further discloses a method wherein the source parameter represents at least one of the following ([Page 323, Right Column]):

a geographical location of the creation of the data object, [Line 13]

a date of creation of the data object,

a time of creation of the data object, [Line 13]

a name of the creator of the data object, and

a data format of the data object.

Regarding **claim 12**, Hewagamage further discloses a method wherein the classification parameter corresponds to an event (*corresponding events,* [Page 323, Right Column, Lines 13-14]).

Regarding **claim 13**, Hewagamage further discloses a method wherein the data object includes a still picture image (*digital images,* [Page 323, Right Column, Lines 3-4]).

Regarding **claim 14**, Hewagamage further discloses a method wherein the data object includes a stream of audiovisual information (*digital videos,* [Page 323, Right Column, Lines 3-4]).

Regarding **claim 15**, Hewagamage further discloses a method wherein the classification parameter is associated with the data object by a user (*interaction of user to obtain additional information about the corresponding events using a voice input system, or guessing corresponding events from a personal scheduler application,* [Page 324, Right Column, Line 33-52]).

Regarding **claim 16**, Hewagamage further discloses a method including storing the criterion in a further database (*Map Component, Time Frame Component, Events Component*, [Page 325, Left Column, Line 25 → Page 326, Line 58]).

Regarding **claim 17**, Hewagamage clearly shows and discloses an apparatus for classification of a data object in a database, the data object having at least one source parameter associated therewith (*Figure 1*), the apparatus comprising:

a storage device that is configured to store the database (*data streams of camera are recorded in its internal memory*, [Page 324, Right Column, Lines 39-40]),

a receiver that is configured to receive data objects (*when the user takes pictures, and passes the information to Situational Agent*, [Page 324, Right Column, Lines 35-37]), and

a central processing unit, wherein the central processing unit (*Situational Agent is the central agent of the system and also carries out the data management functions*) [Page 324, Right Column, Lines 37-39] is configured to associate a classification parameter with the data object when the source parameter satisfies at least one criterion related to the classification parameter (*pictures taken in same location and with insignificant time difference are grouped in same event*, [Page 325, Left Column, Lines 50-58], [Page 325, Right Column, Lines 50-58]). *Note that*

the criterion here is values of location and time of different pictures are

equal).

wherein the database includes further data objects having at least

one further source parameter associated therewith ([Pages 325, Left

Column, Line 25 → Page 326, Left Column, Line 2]) and wherein the

central processing unit is configured to:

identifying similar further data objects having equal values of the at

least one further classification parameter (Event categories are used to

group images/video clips as a way to show the contextual relevancy.

When the user selects a particular event category, then icons appeared in

the Map and Time Frame Components are restricted to be the ones in that

category, [Page 325, Right Column, Line 55 → Page 326, Left Column,

Line 2]. For example, pictures in same event);

identifying similarity of values of the further source parameter of the

further similar data objects having equal further classification parameters

(Event categories are used to group images/video clips as a way to show

the contextual relevancy. When the user selects a particular event

category, then icons appeared in the Map and Time Frame Components

are restricted to be the ones in that category, [Page 325, Right Column,

Line 55 → Page 326, Left Column, Line 2]. For example, pictures with

similar location and / or time in same event);

associating the further classification parameter with the data object

when at least one of the at least one source parameter of the data object

is similar to the further source parameter of the further similar data objects

(*If several videos and/or images are taken at the same location having*

insignificant time difference, then they are considered to belong to the

same context and a single icon is used to represent them, [Page 325, Left

Column, Lines 55-58]. *For example, same event category contains only*

pictures taken at similar location and / or time).

Regarding **claim 18**, Hewagamage clearly shows and discloses a

computer-readable medium (*prototype system*), comprising instructions,

that are readable and executable by a computer (*implementation using the*

Microsoft Agent software development kit, Microsoft Visual C++ and Amzi

Prolog), wherein the instructions enable a computer to execute the

method according to **claim 1** (*system enabled three software agents to*

capture the situational information to work as described in [Page 324,

Right Column, Lines 33-52]).

Regarding **claim 19**, Hewagamage clearly shows and discloses a method

(*utilization of context to provide easy-to-use and easy-to-remember interface for*

the management and retrieval of digital videos / images, [Page 323, Right

Column, Lines 2-4]) comprising:

obtaining an image object and one or more source parameters

associated with the image object (*Several pictures are taken at the same*

location having insignificant time), the image object including one of: an

encoded image (*images*) and an encoded sequence of images (*video*,

[Page 325, Left Column, Lines 50-58]),

determining a classification parameter associated with the image

object based on at least one of the one or more source parameter

(*pictures taken in same location and with insignificant time difference are*

grouped in same event, [Page 325, Left Column, Lines 50-58], [Page 325,

Right Column, Lines 50-58]), and

storing the image object and the associated classification

parameter in a database that includes other objects with associated

classification parameters (*the data streams of camera are recorded in its*

internal memory and SIT transfers them while integrating the relevant

situational information when the connection is established, [Page 324,

Section 3, Right Column, Lines 39-42]).

wherein the database includes further data objects having at least

one further source parameter associated therewith ([Pages 325, Left

Column, Line 25 → Page 326, Left Column, Line 2]) and wherein the

method includes:

identifying similar further data objects having equal values of the at

least one further classification parameter (*Event categories are used to*

group images/video clips as a way to show the contextual relevancy.

When the user selects a particular event category, then icons appeared in

the Map and Time Frame Components are restricted to be the ones in that category, [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2]. For example, pictures in same event);

identifying similarity of values of the further source parameter of the further similar data objects having equal further classification parameters (Event categories are used to group images/video clips as a way to show the contextual relevancy. When the user selects a particular event category, then icons appeared in the Map and Time Frame Components are restricted to be the ones in that category, [Page 325, Right Column, Line 55 → Page 326, Left Column, Line 2]. For example, pictures with similar location and / or time in same event);

associating the further classification parameter with the data object when at least one of the at least one source parameter of the data object is similar to the further source parameter of the further similar data objects (If several videos and/or images are taken at the same location having insignificant time difference, then they are considered to belong to the same context and a single icon is used to represent them, [Page 325, Left Column, Lines 55-58]. For example, same event category contains only pictures taken at similar location and / or time).

Regarding claim 20, Hewagamage further discloses the method including retrieving the image object from the database based on the classification parameter (Event categories are used to group images/video clips as a way to

show the contextual relevancy of those icons. When the user selects a particular

event category, then icons appeared in the Map and Time Frame Components

are restricted to be the ones in that category. Hence, the Events Component

displays a contextual classification of the pictures and allows the user to refine

the focus of user-situations, [Page 325, Right Colum, Line 50 → Page 326, Left

Column, Line 2], *and Figure 4).*

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in Section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hewagamage in view of Shiomi et al. (Pat. No. US 6,009,439, published on December

28, 1999; hereinafter Shiomi).

Regarding **claim 8**, Hewagamage specifically disclose the step of

searching the further database to check whether the source parameter of the

data object matches at least one criterion stored in a further database.

Shiomi discloses a classifying unit 3304 classifies geographical data

stored in retrieval data storing unit ([Column 24, Lines 31-36]). Furthermore,

Shiomi discloses the step of searching the storing unit for geographical data for a

character string ([Column 24, Lines 21-27]). If a string-match occurs, the

geographical data is not classified since the data construct only one group ([Column 24 - Line 51 to Column 25 – Line 15]).

It would have been obvious to a person with ordinary skills in the art at the time the invention was made to incorporate the teachings of Shiomi with the teachings of Hewagamage for the purpose of utilizing the retrieval of a desired piece of data from a large amount of data using a classifying unit for classifying the plurality pieces of retrieval result data into at least one group ([Column 1, Lines 40-54] of Shiomi).

(10) Response to Arguments

i. Claims 1, 17 and 19

Appellant's argument towards **independent claims 1**, **17** and **19**, regarding the fact the Hewagamage does not teach or disclose a further classification parameter and identifying a similarity of values of further source parameters having this same further classification parameter. Furthermore, Appellant argues that Hewagame does not teach associating the further classification parameter to a data object when a source parameter of the data object is similar to the further source parameter.

The Examiner respectfully begs to differ with Appellant's remarks. Accordingly, the invention disclosed by the Appellant is merely associating a classification parameter with at least a source parameter when the source parameter satisfies at least one criterion and/or condition. Hewagamage clearly anticipates this by stating "*if several pictures (video and/or images) are taken at the same location having insignificant time difference, then they are considered to belong to the same context and a single icon is*

used to represent them" ([Page 325, Left Column, Lines 50-58]). Hewagamage explicitly

discloses using a graphical icon to associate the context or event (classification

parameter) of a group of pictures having similar time and/or location (source parameter)

when being taken. The Appellant then applies this knowledge into one or more further

context /event to group further pictures with similar time and/or location parameter

therein.

Hewagamage discloses "Event categories are used to group images/video clips

as a way to show the contextual relevancy of those icons. When the user selects a

particular event category, then icons appeared in the Map and Time Frame

Components are restricted to be the ones in that category" ([Page 325, Right Column,

Lines 50-58]). In other words, when a user selects an event category (classification

parameter) with predefined criterion and/or condition for its pictures' time and/or location

(source parameter), any picture that has satisfied time and/or location will be grouped to

the particularly selected event category (classification parameter).

In light of Hewagamage's disclosure, the limitations in **claim 1** are anticipated by

the example below.

A user defined in his electronic personal schedule that "Event 1" would take

place from 7:30 PM to 11:30 PM, "Event 2" from 11:15 PM to 11:30 PM. All events

would take place on the same day.

A plurality of pictures P_1-P_6 were taken on that day. The recorded time values are

presented in the following table.

Non-classified Pictures	Recorded Time
P_1	7:37 PM
P_2	8:45 PM
P_3	9:15 PM
P_4	9:20 PM
P_5	11:03 PM
P_6	11:25 PM

Pictures P_1-P_5 (further data objects) have their recorded times (further source parameters) all within the predefined time criterion of "*Event 1*" (further classification parameter), thus when the user selects "*Event 1*", P_1-P_5 will be grouped into "*Event 1*".

Event 1 (7:30 PM – 11:30 PM)	Recorded Time
P_1	7:37 PM
P_2	8:45 PM
P_3	9:15 PM
P_4	9:20 PM
P_5	11:03 PM

For the sake of argument, after the user has selected "*Event 1*", picture P_6 (data object) was taken at 11:25 PM (source parameter), therefore, when the user selects "*Event 2*" (classification parameter), picture P_6 will be grouped into "*Event 2*".

Event 2 (11:15 PM - 11:30 PM)	Recorded Time
P_6	11:25 PM

When the user selects "*Event 1*" again, as specified by the time criterion, all the pictures which were taken from 7:30 PM to 11:30 PM will be grouped into "*Event 1*". In this case, P_1-P_6 will all be listed in "*Event 1*". Note that the time value of P_6 is deemed to be similar to the time values of P_1-P_5 because they fall within the predefined time limit of "*Event 1*"

Event 1 (7:30 PM - 11:00 PM)	Recorded Time
P_1	7:37 PM
P_2	8:45 PM
P_3	9:15 PM
P_4	9:20 PM
P_5	11:03 PM
P_6	11:25 PM

Claims 17, **19** contain identical subject matters, thus they are also anticipated by

the example above in light of Hewagamage's disclosure.

ii. Claims 2-16, 18, and 20

Regarding **claims 2-16**, **18**, and **20**, these claims depend directly or indirectly

from **independent claims 1**, **17**, and **19**, are rejected as incorporating the deficiencies

of their corresponding independent claims upon which they depend and as ground(s) of

rejection set forth above.

(11) Related Proceeding(s) Appendix:

No decision rendered by a court or the Board is identified by the Examiner in the

Related Appeals and Interferences section of this Examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/S.H./

Son T. Hoang

Patent Examiner

February 7, 2008

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